

Message Text

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ACTION L-03

INFO OCT-01 EUR-12 EA-07 IO-13 ISO-00 SSO-00 NSCE-00

USIE-00 INRE-00 SP-02 AID-05 EB-07 NSC-05 CIEP-01

TRSE-00 SS-15 STR-04 OMB-01 CEA-01 CIAE-00 COME-00

FRB-03 INR-07 NSAE-00 XMB-02 OPIC-03 LAB-04 SIL-01

FTC-01 JUSE-00 SEC-01 DODE-00 PM-04 H-02 PA-01 PRS-01

/107 W

----- 105185

O R 221501Z JUL 76

FM AMEMBASSY BONN

TO SECSTATE WASHDC IMMEDIATE 0600

INFO USMISSION GENEVA IMMEDIATE

USMISSION USUN NEW YORK

USMISSION EC BRUSSELS

USMISSION OECD PARIS

AMEMBASSY ROME

AMEMBASSY THE HAGUE

AMEMBASSY PARIS

AMEMBASSY LONDON

AMEMBASSY TOKYO

AMEMBASSY OTTAWA

C O N F I D E N T I A L SECTION 01 OF 02 BONN 12359

E.O. 11652: GDS

TAGS: EINV, PFOR, PGOV, UN, ECOSOC

SUBJECT: 61ST ECOSOC: U.S. PROPOSAL ON ILLICIT
PAYMENTS

REF: (A) STATE 179170; (B) BONN 11984

1. IN ABSENCE OF MFA ASSISTANT SECRETARY LAUTEN-
SCHLAGER, ECON COUNSELOR ON JULY 21 DISCUSSED U.S.
PROPOSED RESOLUTION WITH AMBASSADOR JAENICKE, WHO WAS
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ACTING FOR LAUTENSCHLAGER. ALSO PRESENT WAS MFA ACTION

OFFICER FOR ECOSOC MATTERS UMLAUF. AFTER HEARING
DETAILED EXPLANATION OF U.S. POSITION, JAENICKE
OBSERVED THAT THE TIME WAS INDEED SHORT TO GET A
REVISED FRG POSITION OUT OF THE INTERAGENCY CONSULTING
MECHANISM. HE SAID, HOWEVER, THAT THE MFA WILL ASK
OTHER MINISTRIES TO REVIEW THE MATTER ON THE MOST
URGENT BASIS AND IN THE LIGHT OF THE GREAT IMPORTANCE
THE U.S. ATTACHES TO THE WHOLE QUESTION AS INDICATED
BY LAST NOVEMBER'S U.S. SENATE RESOLUTION AND BY OUR
PRESENT DEMARCHE. ECON COUNSELOR GAVE JAENICKE A PAPER
BASED ON TALKING POINTS CONTAINED REFTEL.

2. ON THE ASSUMPTION THAT THE FRG MIGHT FIND IT
IMPOSSIBLE TO REVERSE ITS POSITION AND SUPPORT U.S.
RESOLUTION, JAENICKE ASKED WHAT FRG MIGHT DO TO BE
HELPFUL OR AT LEAST LESS OF A HINDRANCE. ECON COUNSELOR
SAID THAT FRG SUPPORT FOR U.S. RESOLUTION WOULD
OF COURSE BE THE MOST HELPFUL STEP. AT THE LEAST WE
WOULD HOPE FOR A MORE NEUTRAL STANCE ON THE PART OF
THE FRG DELEGATION AND A RECOGNITION THAT SUBSTITUTION
OF FURTHER STUDY FOR ACTION IS NOT IN OUR JOINT
INTEREST.

3. SUBSEQUENT TO OUR DEMARCHE AT MFA, EMBOFF DIS-
CUSSED POINTS CONTAINED REFTEL WITH VON DEWITZ IN
ECONMIN. VON DEWITZ HAD ALREADY BEEN INFORMED BY
MFA OF OUR APPROACH, AND ACKNOWLEDGED THAT FRG
OFFICIALS FEEL MOST UNCOMFORTABLE IN PURSUING A
COURSE OF ACTION OPPOSED TO U.S. HE CONTINUED TO
EXPRESS RESERVATIONS ABOUT U.S. PROPOSAL, BUT SAID
THAT FRG POSITION IS BEING REVIEWED. HE EXPLAINED
THAT FRG STILL HAS STRONG HESITATIONS ABOUT COM-
MITTING ITSELF TO PARTICIPATION IN A DRAFTING
EXERCISE AIMED AT CONCLUDING A BINDING AGREEMENT.
FOR INSTANCE, ON QUESTION OF DISCLOSURE OF PAYMENTS,
LDCS HAVE CALLED FOR DISCLOSURE OF ALL CORPORATE
INFORMATION PERTAINING TO TRANSACTIONS WITH GOVERN-
MENTS. FRG COULD NOT BE A PARTY TO A BINDING AGREE-
MENT WHICH REQUIRED GERMAN FIRMS TO DISCLOSE LEGI-
TIMATE COMMERCIAL SECRETS. EMBOFF ASSURED VON DEWITZ
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THAT U.S. WOULD WANT CLEAR LIMITS PLACED ON KINDS OF

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FM AMEMBASSY BONN

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C O N F I D E N T I A L SECTION 02 OF 02 BONN 12359

COMMERCIAL INFORMATION THAT WOULD HAVE TO BE DIS-
CLOSED. AGREEMENT PROPOSED BY U.S. WOULD REQUIRE ONLY
DISCLOSURE OF POLITICAL CONTRIBUTIONS, GIFTS, AND
PAYMENTS. VON DEWITZ ALSO POINTED OUT THAT EXTENSIVE
DIFFERENCES EXIST IN PRESENT LEGAL PRACTICE, WHICH
WOULD MAKE IT MOST DIFFICULT TO AGREE ON SANCTIONS.
UNDER GERMAN LAW, FOR EXAMPLE, ADMINISTRATIVE
AGENCIES COULD NOT REQUIRE FIRMS TO DISCLOSE INFORMA-
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TION COVERING THEIR OWN ILLEGAL ACTIVITIES, AS IS THE CASE WITH SEC AND IRS REGULATIONS. EMBOFF RESPONDED THAT SUCH QUESTIONS SHOULD BEST BE LEFT TO PREPARATORY COMMITTEE, WHERE U. S. IS PREPARED FOR GOOD DEAL OF GIVE AND TAKE.

4. VON DEWITZ INDICATED THAT FRG MISSION IN GENEVA HAS BEEN INSTRUCTED TO SURVEY VIEWS OF ECOSOC DELEGATES ON AN URGENT BASIS, AND TO REPORT THESE VIEWS TO BONN BY JUNE 23. FRG COORDINATION GROUP WILL MEET AGAIN, PROBABLY ON JULY 26, TO MAKE FINAL DECISION. VON DEWITZ BELIEVES FRG HAS THREE POSSIBLE OPTIONS: (1) OVERCOME ITS HESITATIONS AND SUPPORT U.S. POSITION; (2) CAMPAIGN ACTIVELY FOR FRG PROPOSAL, PERHAPS MODIFIED SOMEWHAT TO REFLECT VIEWS OF OTHER DELEGATIONS WITH WHICH IT HAS BEEN DISCUSSED; (3) TAKE A MORE PASSIVE STANCE. EMBOFF RESPONDED THAT FRG STANCE WILL NO DOUBT HAVE AN INFLUENTIAL IMPACT ON POSITIONS TAKEN BY OTHERS, AND THAT IT WOULD BE MOST BENEFICIAL IF FRG COULD COME OUT IN SUPPORT OF U.S. PROPOSAL. IF THIS REMAINS IMPOSSIBLE, U.S. WOULD HOPE THAT FRG COULD CHOOSE THE OPTION OF REMAINING NEUTRAL. VON DEWITZ INDICATED THAT HE PERSONALLY WAS COMING AROUND TO THE BELIEF THAT IT WOULD BE BEST FOR FRG TO REMAIN NEUTRAL. HOWEVER, HE EMPHASIZED THAT SUCH A DECISION WOULD HAVE TO RECEIVE CONCURRENCE FROM ALL CONCERNED MINISTRIES.
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